

States Response To Application

A

EXH. 6.7

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M

OCT 8 2014

LAURA HINOJOSA, CLERK  
District Courts, Hidalgo County

By In the District Court Deputy #44

Cause No. CR-3257-03-H(2)

Ex parte

Carlos Guadalupe Cantu,

Applicant

§  
§  
§  
§  
§

389th Judicial District

Hidalgo County, Texas

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STATE'S RESPONSE TO APPLICATION  
FOR A WRIT OF HABEAS CORPUS SEEKING RELIEF FROM FINAL  
FELONY CONVICTION UNDER CODE OF CRIMINAL PROCEDURE,  
ARTICLE 11.07

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas, by and through the Criminal District Attorney of Hidalgo County, and files this Response to an Application for a Writ of Habeas Corpus Seeking Relief from Final Felony Conviction under Code of Criminal Procedure, Article 11.07, and would show that, pursuant to Section 4 of Article 11.07 of the Texas Code of Criminal Procedure, no hearing is necessary in this matter; and that, in fact, the application for a writ of habeas corpus should be DISMISSED.

NATURE OF THE CASE

On April 3, 2003, Applicant was indicted for the offense of Capital Murder. On January 10, 2007, Applicant pled guilty to the lesser offense of Murder and was sentenced by the trial court to a term of thirty-five (35) years in the Institutional

Supplemental Clerk's Record

Reversal / Remand Order

B

F+H.6.4

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS  
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

RE: Writ No. WR-71,799-01  
STYLE: Cantu, Carlos Guadalupe  
TRIAL CT NO: CR-3257-05-H  
5/27/2009

On this day, the Supplemental Clerk's Record, in response to the remand order issued by this Court, has been received and presented to the Court.

Louise Pearson, Clerk

Carlos Guadalupe Cantu  
Connally Unit - TDC #1251594  
899 FM 632  
Kenedy, TX 78119

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS  
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

RE: Writ No. WR-71,799-02  
STYLE: Cantu, Carlos Guadalupe  
TRIAL CT NO: CR-3257-05-H  
5/27/2009

On this day, the application for writ of Habeas Corpus has been received and presented to the Court.

Louise Pearson, Clerk

Carlos Guadalupe Cantu  
Connally Unit - TDC #1251594  
899 FM 632  
Kenedy, TX 78119

Exhibit

C

Civil Action C-4336-15-C

AT 1:37 O'CLOCK P M

AUG 21 2015

CAUSE NO.

C-4336-15C

LAURA HINOJOSA, CLERK  
District Courts, Hidalgo County

By AB Deputy

CARLOS GUADALUPE CANTU

PLAINTIFF

IN THE COUNTY COURT

AT LAW NO.

139th

Hidalgo COUNTY, TEXAS

VS.

THE STATE OF TEXAS

ET AL

ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Carlos Guadalupe Cantu, Plaintiff complaining of and against the State of Texas Gregg Abbott, William Stephens Director of TDCJ, and Rene Guerra Former District Attorney of Hidalgo County Texas, Et Al, Defendants.

JURISDICTION AND VENUE

Plaintiff will submit this action under discovery Control Plan Level II, per Rule 190.3 of the Texas Rules of Civil Procedure. The complain of action is subject of this suit which occurred in Hidalgo County, Texas, And therefore, Venue is proper pursuant to C.P.R.C. § 15.002(a)(1).

SERVICE

Defendants are individual who may be served at the Hidalgo County District Attorneys Office or where ever he may be found.

ISSUANCE OF CITATION IS REQUESTED AT THIS TIME.

Defendant Williams Stephens is and individual who may be served at the Texas Department of Criminal Justice (TDCJ) whom is the Director of TDCJ Main Office in Huntsville, Texas.

SCANNED

States Order Denying  
Nunc Pro Tunc

D

Exh. 6.4

**Cause No. CR-3257-03-H(2)**

<b>The State of Texas</b>	§	<b>In the District Court</b>
	§	
<b>vs.</b>	§	<b>389th Judicial District</b>
	§	
<b>Carlos Guadalupe Cantu</b>	§	<b>Hidalgo County, Texas</b>

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**The State's Response to Motion for Nunc Pro Tunc**


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TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES THE STATE OF TEXAS and files this, the State's Response to Defendant Cantu's "Motion for Nunc Pro Tunc to Correct the Judgment" in this case and would show the following:

On August 12, 2019, Carlos Guadalupe Cantu, Defendant, filed his pro se "Motion for Nunc Pro Tunc to Correct the Judgment." Cantu requests this Court to issue judgment nunc pro tunc to reflect that he was sentenced to 35 years as opposed to a life sentence for Capital Murder and 99 year sentence for Attempted Capital Murder. Cantu bases his request mostly due to a factual error in the State's response to Cantu's second application for a writ of habeas corpus, filed by the undersigned assistant district attorney on October 6, 2014. In said response, the State incorrectly stated that "On January 10, 2007, Applicant pled guilty to the lesser offense of Murder and was sentenced by the trial court to a term of thirty-five (35) years in the Institutional Division of the Texas Department of Criminal Justice." However, in the Statement of Facts portion of the State's response, the State correctly stated that



Cantu was convicted of Capital Murder and Attempted Capital Murder on July 26, 2004 and was sentenced to life and 99 years imprisonment, respectively. The State attached as exhibits certified copies of both judgments reflecting the same. Nothing in the record supports Cantu's contention that he pled guilty to the lesser offense of Murder to a 35 year sentence. Therefore, there is no reason for this correct to issue judgment nunc pro tunc.

WHEREFORE, PREMISES CONSIDERED, THE STATE OF TEXAS, prays that this Court deny Defendant Cantu's "Motion for Nunc Pro Tunc to Correct the Judgment."

Respectfully submitted,

RICARDO RODRIGUEZ JR.  
CRIMINAL DISTRICT ATTORNEY  
HIDALGO COUNTY, TEXAS

/s/ LUIS A. GONZALEZ  
LUIS A. GONZALEZ, ASSISTANT  
CRIMINAL DISTRICT ATTORNEY  
HIDALGO COUNTY, TEXAS

STATE BAR NO. 24083088

100 E. CANO  
EDINBURG, TEXAS 78539  
TELEPHONE #: (956) 292-7600  
TELECOPIER #: (956) 318-0407

ATTORNEYS FOR THE STATE

Electronically Filed  
 10/17/2019 3:29 PM  
 Hidalgo County District Clerks  
 Reviewed By: Alexandra Gomez

## Cause No. CR-3257-03-H(2)

The State of Texas	§	In the District Court
	§	
vs.	§	389th Judicial District
	§	
Carlos Guadalupe Cantu	§	Hidalgo County, Texas

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**Order Denying "Motion Nunc Pro Tunc to Correct the Judgment"**

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On this date came on to be heard what Defendant Carlos Guadalupe Cantu has called his "Motion for Nunc Pro Tunc to Correct the Judgment" in the above-referenced case.

This Court, having considered said request and the State's response thereto, is of the opinion that Defendant Cantu's "Motion for Nunc Pro Tunc to Correct the Judgment" should be, and same is hereby, DENIED.

The Criminal Appeals Deputy Clerk for the Hidalgo County District Clerk's Office is ordered to provide a copy of this order to Defendant Carlos Guadalupe Cantu, TDCJ no. 01251594, Connaly Unit, 899 FM 632, Kennedy, TX 78119, via certified mail, return receipt requested, and to Assistant Criminal District Attorney Luis A. Gonzalez.

SIGNED and ENTERED on this, the 18 day of October, 2019.



LETICIA LOPEZ

Judge Presiding  
 389th District Court  
 Hidalgo County, Texas